SAYYID SHAH ABDULLAH v. KETUA PENGARAH JABATAN PENDAFTARAN NEGARA & ANOR

COURT OF APPEAL, PUTRAJAYA
SUPANG LIAN JCA
COLLIN LAWRENCE SEQUERAH JCA
ALWI ABDUL WAHAB JCA
[CIVIL APPEAL NO: W-Q1(A)-691-12-2023]
12 JUNE 2025

Abstract – *(i) The National Registration Regulations 1990 ('Regulations') only allows for a change from a person's original name to a new one, but not for reverting to the original name. The Regulations forbids using a former name once a new identity card has been issued; (ii) While there is no general duty for a decision-maker to give reasons when the relevant statute is silent, this duty may be implied on a case-by-case basis based on fairness and openness. However, in straightforward cases where the decision is clear, the failure to provide reasons is not a valid ground to quash the decision.*

ADMINISTRATIVE LAW: *Judicial review – Appeal – Challenge against decision of Director General of National Registration Department ('DGNRD') – Applicant citizen of Malaysia – Applicant born Hindu – Applicant converted to Islam and changed name – Applicant faced difficulties with passport issued under new name – Applications made to DGNRD to change name to original name dismissed – Interpretation of reg. 14 of National Registration Regulations 1990 – Whether applicant entitled to be informed of reasons for decision made by DGNRD*

STATUTORY INTERPRETATION: *Construction of statutes – National Registration Regulations 1990 – Whether envisages change in name from original name to new assumed name but does not envisage change in name back to original name – Implications and consequences that ensue once change of name is effected – Whether requirements for changing name satisfied*

The appellant was a citizen of Malaysia and was born a Hindu. The first respondent had issued a Malaysian registration identity card under the name of K Praghadheeswara Raja a/l Kalandasamy ('original name'). In 2005, the appellant converted to Islam and his application to change his name to Sayyid Shah bin Abdullah ('current name') was allowed by the first respondent under reg. 14 of the National Registration Regulations 1990 ('Regulations'). A new identity card was issued under the current name, replacing the original name. The appellant successfully applied for and was given a new passport under his new name and he flew to India using this new passport. However, the Indian Immigration refused to allow the appellant entry into India due to the fact that he had previously entered India using a Malaysian passport under his original name. The appellant was deported to

Malaysia. Upon his return to Malaysia, the appellant claimed that, following his application for a passport under his original name, the Director General of Malaysian Immigration ('DGMI') revoked the passport under the original name (No. A35711811) for a duration of five years. According to the appellant, (i) he encountered difficulties with passport No. A35711811 where the DGMI denied issuing the said passport and stated that all Malaysian passports were issued according to the name that appeared on the identity card; (ii) he was granted a tourist visa from the Government of India for five years based on passport No. A35711811 which would expire in March 2021; (iii) he applied for a new passport in December 2020 under his original name and this was refused by the Malaysian Immigration Department since his name in the identity card was his current name; and (iv) the appellant's application to change his current name to his original name was dismissed by the first respondent ('first respondent's decision'). At the High Court, the appellant applied for a judicial review to, *inter alia*, quash the first respondent's decision. The High Court dismissed the appellant's application. Hence, the present appeal. The issues that arose for determination revolved around the issues of (i) the interpretation of reg. 14 of the Regulations; and (ii) whether the appellant was entitled to be informed of the reasons for the decision made by the first respondent.

Held (dismissing appeal)

Per Collin Lawrence Sequerah JCA delivering the judgment of the court:

(1) Sub-regulation 14 of the Regulations, read as a whole, envisages a change in name from the original name to the new assumed name but does not envisage a change in name back to the original name. Sub-regulation 4(2A) is also couched in mandatory terms that such a person 'shall not', when a replacement identity card is issued to him under this Regulation, use his former name. In light of the serious implications and consequences that ensue once a change of name is effected, the Regulations, when taken as a whole, does not entertain the notion of a person then applying to revert back to his original name. Further, the requirements of a change in name, under sub-reg. 14(1)(a) read with sub-reg. 14(2), were not satisfied. (paras 61-63 & 68)

(2a) The absence of an express provision in the statute, requiring the decision-maker to give reasons, ought not to be taken to mean that there was no duty to give reasons at all. Where the statute is silent on the duty to give reasons, there is no general duty to give reasons but such a duty to give reasons may be implied where appropriate on a case-by-case basis. Among the determining factors, when reasons ought to be given, lie in the nature and character of the decision-making and when the giving of reasons would be required as a matter of fairness and openness. (paras 71 & 72)

(2b) The High Court Judge regarded this case as one where the appellant either satisfied the prerequisites of reg. 14 or did not. His Lordship rightly: (i) concluded that this was a straightforward case and not one that would call for or invite further deliberation or point overwhelmingly in favour of a different decision; and (ii) dismissed as unmeritorious the point raised by the appellant that the failure to furnish reasons would give rise to a quashing of the decision. (paras 76, 79 & 80)

Case(s) referred to:

Datuk Bandar Kuala Lumpur v. Perbadanan Pengurusan Trellises & Ors And Other Appeals [2023] 5 CLJ 167 FC ***(refd)***

Kesatuan Pekerja-Pekerja Bukan Eksekutif Maybank Bhd v. Kesatuan Kebangsaan Pekerja-Pekerja Bank & Anor [2017] 4 CLJ 265 FC ***(refd)***

Ketua Pengarah Hasil Dalam Negeri v. Alcatel-Lucent Malaysia Sdn Bhd & Anor [2017] 2 CLJ 1 FC ***(refd)***

Majlis Perbandaran Pulau Pinang v. Syarikat Bekerjasama-Sama Serbaguna Sungai Gelugor Dengan Tanggungan [1999] 3 CLJ 65 FC ***(refd)***

Legislation referred to:

National Registration Regulations 1990, regs. 4(1), (2A), 14(1)(a), (2A), (6)

For the applicant - Lee Teong Hooi; M/s Lee Tan & Assocs

For the 1st & 2nd respondents - Nur Irmawatie Daud; SFC & Na'ilah llhani Shamsulbahri; FC

[Editor's note: For the High Court judgment, please see Sayyid Shah Abdullah v. Ketua Pengarah Jabatan Pendaftaran Negara & Anor [2024] CLJU 855 (affirmed).]

Reported by Najib Tamby

JUDGMENT

Collin Lawrence Sequerah JCA:

Introduction

[1] This is an appeal against the decision of the High Court at Kuala Lumpur which had on 20 October 2023 dismissed the appellant's application for judicial review with costs for the following reliefs:

(i) an order for *certiorari* to quash the decision of the first respondent dated 21 January 2021 in rejecting the appellant's application to amend the name of Sayyid Shah bin Abdullah ID card number: 750423-71-5087 (A33757824) to original name of the appellant which is K Praghadheeswara a/l Raja Kaladasamy ID card number: 750423-71-5087 (A33757824);

(ii) an order for *mandamus* to compel the first respondent to amend and register the name of Sayyid Shah bin Abdullah ID card number: 750423-71-5087 (A33757824) to the original name of the appellant which is K Praghadheeswara a/l Raja Kaladasamy (ID card number: 750423-71-5087 (A33757824);

(iii) a declaratory order that the decision of the first respondent dated 21 January 2021 in dismissing the appellant's application was invalid and void;

(iv) damages; and

(v) any other reliefs that the court deems fit and proper.

Pertinent Background Facts

[2] The appellant is a citizen of Malaysia who was born on 23 April 1975 in Coimbatore, Tamil Naidu, India.

[3] The appellant's birth certificate was issued by the Office of Assistant High Commissioner Malaysia in Madras under the name of K Praghadheeswara Raja His father's name was Kalandasamy.

[4] The appellant was a Hindu from birth and professed the said religion at all material times.

[5] The first respondent issued a Malaysian Registration Identity Card under the name of K Praghadheeswara Raja a/l Kalandasamy (ID card number: 750423-71-5087 (A33757824)).

[6] In 2005, the appellant converted to Islam at Jabatan Agama Islam Negeri Sembilan and he changed his name to Sayyid Shah bin Abdullah.

[7] On 4 October 2005, an application by the appellant to change his name was allowed by the first respondent under reg. 14 of the National Registration Regulations 1990. Consequent to that, a new identity card was issued under the name of Sayyid Shah bin Abdullah replacing the name of K Praghadheeswara Raja a/l Kalandasamy.

[8] The appellant successfully applied for and was given a new passport on 29 April 2015 under his new name of Sayyid Shah bin Abdullah and he flew to India using this new passport on 23 December 2016.

[9] However, the Indian Immigration refused to allow the appellant entry into India due to the fact that he had previously entered India using a Malaysian passport under the name of K Praghadheeswara Raja a/l Kalandasamy. As a result, the appellant was deported to Malaysia.

[10] Upon his return to Malaysia, the appellant claimed that on 22 March 2016, upon his application for a passport under his original name, the Director General of Malaysian immigration revoked the passport under the name of Sayyid Shah bin Abdullah and replaced it with a new passport issued under the name of K Praghadheeswara Raja a/l Kalandasamy (No. A35711811) for a duration of five years.

[11] The appellant encountered difficulties with passport number: A35711811 wherein the Director General of Malaysian Immigration denied issuing the said passport and stated that all Malaysian passports were issued according to the name that appears on the identity card.

[12] The appellant then claimed that he was granted a Tourist Visa from the Government of India for five years from 22 September 2019 to 20 September 2024 based on passport number: A35711811. Passport number: A35711811 will expire in 22 March 2021.

[13] The appellant claimed that he applied for a new passport in December 2020 under the name of K Praghadheeswara Raja a/l Kalandasamy and this was refused by the Malaysian Immigration Department since his name in the identity card is Sayyid Shah bin Abdullah.

[14] The appellant averred that several applications were made to first respondent to change his name, *ie*, Sayyid Shah bin Abdullah to his original name, *ie*, K Praghadheeswara Raja a/l Kalandasamy.

[15] However, the appellant's application to change his current name to his original name was dismissed by the first respondent *vide* a letter dated 2 December 2021.

[16] The appellant accordingly challenged the decision of the first respondent and applied to the High Court to quash the decision of the first respondent in rejecting the applicant's application to amend his name and to compel the first respondent to register his original name, *ie*, K Praghadheeswara Raja a/l Kalandasamy, to declare the decision of the first respondent dated 2 December 2021 as invalid, damages and other relief.

Parties Submissions

Appellant

[17] The appellant takes the position that there is nothing that bars him from seeking a change of his name in his identity card.

[18] All that person needs to do when he changes his name is to inform the department and apply for a change in name according to reg. 14 read with reg. 4 of the National Registration Regulations 1990.

[19] The appellant submits that this is purely an administrative act.

[20] The appellant submitted that he has complied with all the requirements of reg. 14 read with reg. 4 of the National Registration Regulations 1990.

[21] The appellant contended that as long as the purpose is not illegal, the respondent has to give effect to the change in name sought where all the requirements of reg. 14 read with reg. 4 of the National Registration Regulations 1990 are met.

[22] The appellant submitted that he had encountered difficulties because there are two names appearing in his previous passport, *ie*, the original name of K Praghadheeswara Raja a/l Kalandasamy and Sayyid Shah bin Abdullah and this has resulted in him being refused entry into India and being deported.

[23] The appellant also owns immovable properties in both India and the Ukraine all registered under the name of K Praghadheeswara Raja a/l Kalandasamy.

[24] The appellant's income tax and his pension fund in India are registered under the name of K Praghadheeswara Raja a/l Kalandasamy.

[25] This situation will cause a problem and result in confusion when dealing with authorities or parties in India and Ukraine due to the two different names appearing in the passport, national registration identity card and other documents.

[26] The appellant also submitted that he had made a similar application to the Pejabat Agama Islam Negeri Sembilan to change his "kad akuan Islam" to his original name. The Jabatan Agama Islam Negeri Sembilan allowed his application and re-issued his "kad akuan Islam" in the name of K Praghadheeswara Raja a/l Kalandasamy.

[27] The appellant submitted that the decision by the respondent is irrational, unreasonable and disproportionate.

[28] The first respondent has also not given any reason for the rejection and the appellant has not been given an opportunity to be heard by the first respondent.

[29] The appellant submits that the said decision is *ultra vires* the provisions of the National Registration Act and National Registration Regulations 1990.

Respondent's

[30] The respondents submit that the appellant has not satisfied the prerequisites of reg. 14(2A) of the National Registration Regulations 1990 and hence his application to change his current name to his original name was dismissed by the first respondent.

[31] The respondent submitted that it is undisputed fact that on 4 October 2005, the appellant applied to change his name from K Praghadheeswara Raja a/l Kalandasamy to his new name, *ie*, Sayyid Shah bin Abdullah which application was allowed by the first respondent.

[32] The respondents submitted that the appellant's application to then further amend his current name to his original name was not allowed under the provision of reg. 14(2A) of the National Registration Regulations 1990.

[33] The respondents referred to sub-reg. 14(2A) of the National Registration Regulation 1990 [P.U.(A) 472/90] which provides:

Regulation 14. Change of name and correction of particulars.

(1) A person registered under these Regulations who –

(a) changes his name;

(b) acquires the citizenship of Malaysia or is deprived of his citizenship of Malaysia; or

(c) has in his possession an identity card containing any particular; other than his address, which is to his knowledge incorrect, shall forthwith report the fact to the nearest registration office and apply for a replacement identity card with the correct particulars.

(2) Any person registered under these Regulations who applies to change his name under sub regulation (1) shall submit to the registration officer with a statutory declaration which –

(a) certifies the fact that he has absolutely renounced and abandoned the use of his former name *in lieu* thereof has assumed a new name; and

(b) contains the reason for such change of name, other than a conversion of religion.

(2A) *Any person registered under these Regulations who applies for a change name under sub regulation (1) shall not, when a replacement identity card is issued to him under this regulation, use his former name that appears on the reverse of the replacement identity card or as inserted in the chip of the Government multi-purpose card,* as the case may be. (emphasis added)

[34] The respondents submitted thus that it is clear from the provisions of reg. 14(2A) of the National Registration Regulations 1990 that the phrase "shall not" indicated that any person who applied to change his name under sub-reg. 4(1) cannot further apply to change his name using his former name.

[35] The respondents' submission is that the decision of the first respondent was thus valid and not tainted with illegality and procedural impropriety.

[36] The respondents further submitted that there was no breach of procedural impropriety by the first respondent by not giving the reasons for rejecting the appellant's application to revert back to his original name because there is no general duty on the part of respondents to give reasons of the decision in the absence of express provisions in the statute.

[37] The respondent's cited the case of *Majlis Perbandaran Pulau Pinang v. Syarikat Bekerjasama-Sama Serbaguna Sungai Gelugor Dengan Tanggungan* [1999] 3 CLJ 65 among others, in support.

A **Analysis And Decision By The Court Of Appeal**

[38] After considering submissions of both parties, we are of the considered view that the heart of this appeal revolves around the interpretation of reg. 14 of the National Registration Regulations 1990.

B **[39]** The other issue to be considered is whether the appellant was entitled to be informed of the reasons for the decision made by the first respondent.

Regulation 14 Of The National Registration Regulations 1990

[40] The material portion of reg. 14(1)(a) reads as follows:

C A person registered under these Regulations who -

(a) changes his name;

(b) ...

(c) ...

D shall forthwith report the fact to the nearest registration office and apply for a replacement identity card with the correct particulars

[41] In order to effect the application for a change of name, an applicant must comply with sub-reg. 14(2) which reads as follows:

E (2) Any person registered under these regulations who applies to change his name under sub regulation (1) shall submit to the registration officer with a statutory declaration which:

(a) certifies the fact that he has absolutely renounced and abandoned the use of his former name *in lieu* thereof has assumed a new name; and

F

(b) contains the reason for such change of name, other than a conversion of religion.

[42] It would appear from the above sub-regulations that once a person applies for a change in his name and fulfills the prerequisites and complies G with the necessary procedures, the Director General of National Registration ("DG") has no discretion but to issue a replacement identity card.

[43] The only exception is where, after an inquiry, the DG is satisfied or has reason to believe that the purpose for such application is to avoid detection of the applicant's true identity by the authorities.

H **[44]** This is provided for by sub-reg. 14(6) which is reproduced below:

Notwithstanding any provisions to the contrary in these Regulations, a registration officer may reject any application for a replacement identity card under this regulation if, after such enquiry as he deems necessary and expedient, he is satisfied or has reason to believe that the purpose for such I application is to avoid detection of the applicant's true identity by the authority.

[45] If there is no cause for such an inquiry, the only formality to be complied with is that under sub-reg. 11(4) which reads:

> Before a registration officer issues a replacement identity card to a person, registered under these Regulations, who has changed his name, he shall enter or cause to be entered into the register referred to in Regulation 11(4), the former name of such person and the new name as stated in the statutory declaration together with such other particulars as the Director-General may direct.

[46] An examination of the grounds of judgement "grounds" of the learned High Court Judge ("HCJ") will reveal that he undertook a meticulous analysis of the steps involved in the process where a person wishes to effect a change of name.

[47] Thereafter, the HCJ examined the legal consequences that follow a change of name.

[48] The HCJ stated that the change in name on an identity card is a serious matter and has far-reaching consequences.

[49] The HCJ said that there is no duty upon the DG to inform to the person applying for the change of the consequences of a change in name and that such person does so at his own peril.

[50] The HCJ said that such a person would have used his original name for various legal transactions and instruments or his dealings with third parties such as contracts, banking transactions, and payment of outstanding income tax.

[51] The list, His Lordship added, is not exhaustive. Thus, a person when he changes his name would be aware of the consequences that the change in name brings.

[52] The HCJ then went on to importantly point out that once the process of the change of name is completed and the application perfected with the issue of a replacement identity card, the consequence as provided for in sub-reg. 4(2A) follows and this reads as follows:

> Any person registered under these Regulations who applies for a change of name under sub-regulation (1) **shall not,** when a replacement identity card is issued to him under this regulation, **use his former name** that appears on the reverse of the replacement identity card or as inserted in the chip of the Government multi-purpose card, as the case may be.
>
> (emphasis added)

[53] The HCJ's interpretation of this sub-regulation is what lies as the heart of this appeal.

[54] In the grounds, the HCJ stated that sub-reg. 14 read as a whole envisages a change in name from the original name to the new assumed name.

[55] The HCJ said that the provision does not envisage a change in name back to the original name and that the change in name is made because the person making the application has "absolutely renounced and abandoned the use of his original name" and has assumed a new name.

[56] After examining the relevant regulations and sub-regulations, we are of the considered view that there are compelling public policy considerations and reasons as to why these provisions only envisage a change of name but not a change of name back to the original name.

[57] Any person in the position of the appellant or any citizen of this country for that matter would have had to necessarily deal or transact with various government and banking and other financing entities during the course of his or her adult life.

[58] The appellant will no doubt also engage in transactions with other members of society in the entering into of contracts, as an example.

[59] Certainty with regard to identity is therefore a prerequisite and indispensable in order to minimise the possibility of fraudulent transactions.

[60] This danger is in fact sufficiently borne out by the current problems facing the appellant in India and in the Ukraine but these are occurrences outside this jurisdiction and do not and should not concern the DG here.

[61] In view of the serious implications and consequences that follow a change of name, we therefore agree with the analysis and findings of the HCJ that sub-reg. 14 read as a whole, envisages a change in name from the original name to the new assumed name but does not envisage a change in name back to the original name.

[62] Sub-regulation 4(2A) is also couched in mandatory terms that such a person "shall not", when a replacement identity card is issued to him under this regulation, use his former name.

[63] In light of the serious implications and consequences that ensue once a change of name is effected, the regulations when taken as a whole does not entertain the notion of a person then applying to revert back to his original name.

[64] The wordings employed in sub-reg. 14(2) that an applicant certifies the fact that he has "absolutely renounced" and "abandoned" the use of his former name further underscores the finality accompanying such an application.

[65] We further agree with the view of the HCJ that the Regulation is couched in a manner which gives the DG no discretion in the matter in that either the prerequisite for a change of name from the original name to the new name exists or does not exist.

[66] Whatever were the decisions emanating from the Majlis Agama Islam Negeri Sembilan or any other foreign agency or agencies of the Government of India or any other Government for that matter, is of no consequence to the DG and he is not bound by these.

[67] We therefore agree with the HCJ that the provision does not envisage a change in name back to the original name and that the change in name is made because the person making the application has "absolutely renounced and abandoned the use of his original name" and has assumed a new name. The ring of finality alluded to earlier.

[68] In the premises, we also agree with the findings of the HCJ that the requirements of a change in name under sub-reg. 14(1)(a) read with sub-reg. 14(2) are not satisfied.

Is There A Duty To Give Reasons For The Decision?

[69] It is the appellant's submission that the decision is bad in law for breach of procedural impropriety because no reasons were given for the rejection and this denied the appellant an opportunity to make an explanation against the rejection. The decision therefore, ought to be quashed.

[70] The series of cases referred to by the HCJ namely, *Datuk Bandar Kuala Lumpur v. Perbadanan Pengurusan Trellises & Ors And Other Appeals* [2023] 5 CLJ 167, *Ketua Pengarah Hasil Dalam Negeri v. Alcatel-Lucent Malaysia Sdn Bhd & Anor* [2017] 2 CLJ 1 and *Majlis Perbandaran Pulau Pinang v. Syarikat Bekerjasama-Sama Serbaguna Sungai Gelugor Dengan Tanggungan* [1999] 3 CLJ 65 all established a series of principles.

[71] Firstly, the absence of an express provision in the statute requiring the decision-maker to give reasons ought not to be taken to mean that there is no duty to give reason at all.

[72] Secondly, where the statute is silent on the duty to give reasons, there is no general duty to give reasons but such a duty to give reasons may be implied where appropriate on a case-by-case basis. Among the determining factors when reasons ought to be given lie in the nature and character of the decision-making and when the giving of reasons will be required as a matter of fairness and openness.

[73] The HCJ rightfully discerned that the cases establish that whether there is a duty to give reasons would depend on the facts, nature, and character of the decision-making and where the giving of reasons is required as a matter of fairness and openness.

[74] The HCJ further referred to the decision of the apex court in *Kesatuan Pekerja-Pekerja Bukan Eksekutif Maybank Bhd v. Kesatuan Kebangsaan Pekerja-Pekerja Bank & Anor* [2017] 4 CLJ 265 which held:

A In a case where the decision is one that is straightforward and one that is not mired in circumstances that would invite further or deeper rationalisation, then, perhaps the need to give the reason by the decision maker may not arise.

[75] The HCJ then concluded that after considering the circumstances of
B the instant case, the need to give reasons did not arise as the refusal was a straightforward decision and not one that is mired in circumstances that would invite further or deeper rationalisation.

[76] The HCJ said that the applicant/appellant either fulfils the requirements of reg. 14 of the National Registration Regulations 1990 or he
C does not.

[77] The HCJ held that in the premises, the decision made by the Director General does not point overwhelmingly in favour of a different decision and in the circumstances, the ground of failure to give reasons is without merit.

D **[78]** We find no error in the reasoning and findings by the HCJ in this regard. His Lordship regarded this case as one where the appellant either satisfies the prerequisite of reg. 14 or did not.

[79] His Lordship therefore concluded quite rightly that this was a straightforward case and not one that would call for or invite further
E deliberation or point overwhelmingly in favour of a different decision.

[80] The HCJ thus rightfully dismissed as unmeritorious the point raised by the appellant that the failure to furnish reasons would give rise to a quashing of the decision.

F **Decision**

[81] After considering the submissions of parties and examining the grounds, and for the reasons expressed earlier, we unanimously find that the HCJ had committed no error in coming to the decision to dismiss the judicial review application.

G **[82]** In the premises, this appeal is dismissed with one set of costs of RM5,000 to the respondents'.

[83] The learned Chairman of the panel Justice Supang Lian and my learned brother Justice Dr Hj Alwi bin Hj Abdul Wahab have read and
H approved the draft of this judgment.

I